



INTERIOR BOARD OF INDIAN APPEALS

Monte and Anna Vance v. Superintendent, Colville Agency,
Bureau of Indian Affairs

33 IBIA 86 (12/14/1998)

Related Board case:
34 IBIA 145



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

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| MONTE and ANNA VANCE, Appellants | : | Order Docketing and Dismissing Appeal |
| | : | |
| | : | |
| v. | : | |
| | : | Docket No. IBIA 99-25-A |
| SUPERINTENDENT, COLVILLE AGENCY, BUREAU OF INDIAN AFFAIRS, Appellee | : | |
| | : | |
| | : | December 14, 1998 |

On December 11, 1998, the Board of Indian Appeals received a Notice of Appeal from Monte and Anna Vance (Appellants). Appellants seek review of a November 2, 1998, decision of the Superintendent, Colville Agency, Bureau of Indian Affairs (Superintendent), ordering them to cease using an access road to their property. The information before the Board indicates that the access road lies within an easement granted to the Burlington Northern Railroad as successor to the Great Northern Railway Company; crosses Colville Indian Allotment No. S-814, George Zacherle, deceased; and provides access to Appellants' property, which they purchased in 1996 from the Railroad.

Appellants' appeal to the Board is premature. The Board does not have jurisdiction over decisions issued by BIA Superintendents. See 25 C.F.R. § 2.4(a) and (e). Therefore, it must dismiss this appeal.

However, the Superintendent's decision failed to inform Appellants' of their appeal rights as required by 25 C.F.R. § 2.7. The Superintendent is instructed to comply with 25 C.F.R. § 2.7 and provide Appellants with proper appeal information.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal from the Colville Superintendent's November 2, 1998, decision is docketed and dismissed without prejudice as premature.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge